

JAN 2006
2179

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bruce CARLIN) Confirmation No.: 4479
 Serial No.: 10/081,841) Group Art Unit: 2179
 Filed: February 20, 2002) Examiner: Theriault, Steven
 Atty's Docket No.: CAR 0002CIP)

Atty's Office: Bruce CARLIN, Esq., 1000 University Street, Suite 2000, San Diego, California

January 25, 2006

RE: RESPONSE TO NOTICE REQUIRING EXCESS FEES

Box Amendment - Patents
 Commissioner of Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

In investigating the progress of this application, Applicants undersigned representative finds at the public PAIR system of the PTO that the attached NOTICE REQUIRING EXCESS FEES in the matter of the above-identified application was mailed by the PTO on 09/21/2005. It was not received.

The fee requested was that that should have been submitted to the PTO in accompaniment to Applicant's AMENDMENT of 8/29/06 timely filed. This added fee is in coverage of two (2) total claims in excess of the twenty (20) previously paid for, and of two (2) independent claims in excess of the six (6) previously paid for, at the time of application filing.

200.00
50.00

01/31/2006 FINGERK11 000000027 10081841
 01 FC:2201
 02 FC:2202

In accordance with (1) the policy stated in the penultimate paragraph of the NOTICE, and (2) the new fee schedule of January 1, 2006, the fee now believed owed is (2 x \$25) + (2 x \$100), or \$250.

A check in the amount of \$250 is enclosed.

Applicants' undersigned attorney is at the Examiner's disposal should the Examiner wish to discuss any matter which might expedite prosecution of this case. Please note Applicant's recently revised e-mail address below.

Sincerely yours,

William C. Fuess

William C. Fuess
Registration Number 30,054

William C. Fuess
FUESS & DAVIDENAS
Attorneys at Law
10951 Sorrento Valley Road
Suite II-G
San Diego, California 92121-1613
Telephone: (858) 453-3574 after 2:00 P.M. P.S.T.
Facsimile: (858) 453-3574 before 2:00 P.M. P.S.T.
E-mail: wfuess@gmail.com

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this AMENDMENT and the documents referred to as attached therein are being deposited with the United States Postal Service in an envelope addressed to: Mail Stop Amendments - Patent, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date written below.

January 25, 2006

Date

William C. Fuess

Typed Name of Person
Mailing Correspondence

William C. Fuess
Signature of Person Mailing
Correspondence



UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 30 2006

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,841	09/21/2005	Bruce Carlin	CAR 0002CIP	4479

7590

09/21/2005

William C. Fuess
 FUESS & DAVIDENAS
 Attorneys at law
 10951 Sorrento Valley Road, Suite II-G
 San Diego, CA 92121-1613

EXAMINER

TIERIAULT, STEVEN D

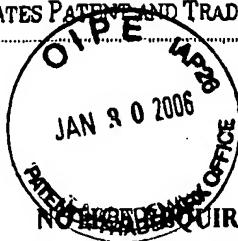
ART UNIT	PAPER NUMBER
2119	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
[www.uspto.gov](http://uspto.gov)

NOTICE REQUIRING EXCESS CLAIMS FEES

The excess claim(s) filed on 8-29-05 is not accompanied by the appropriate payment of excess claims fees set forth in 37 CFR 1.16(h)-(j) or 1.492(d)-(f). Excess claims fees are required for each claim in independent form in excess of three (§ 1.16(h)), each claim (whether dependent or independent) in excess of twenty (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes) (§ 1.16(i)), and each application that contains a multiple dependent claim (§ 1.16(j)).

Since the application is not under a final rejection, applicant is given a time period of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, to submit either: (1) the fee payment of \$ 238.00, or (2) an amendment in compliance with 37 CFR 1.121 that cancels the excess claim(s), in order to avoid ABANDONMENT. Extensions of this time period may be granted under 37 CFR 1.136, unless the excess claim(s) was presented in a preliminary amendment.

1. The funds in Deposit Account No. _____ are insufficient to cover the entire fee due. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.

2. The Credit Card payment to cover the entire fee due to Account _____ (Card type + last 4 digits **ONLY**) was refused. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.

3. The amendment that includes the excess claim(s) has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account or Credit Card) the fee as indicated on the attached Patent Application Fee Determination Record (PTO/SB/06). Remittance or authorization is due within the time period set forth in this notice.

4. The fee submitted in this application is insufficient. A balance of \$ 238.00 is due for presentation of excess claims (37 CFR 1.16(h)-(j) or 1.492(d)-(f)).

5. Other.

Explanation (Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due):

Paid \$18.00 for Claims in excess of 20 Fee due \$82.00

Paid \$ 44.00 for independent claims in excess of 3 Fee due \$ 156.00

THE AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE, GENERALLY ON OCTOBER 1 OF EACH YEAR (37 CFR 1.16, 1.21 & 1.492). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY WITH THE APPROPRIATE FEE(S) IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.10). BECAUSE THE AMOUNT DUE IS SUBJECT TO CHANGE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE WHICH IS AVAILABLE ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>

Service Charges: There is a \$50 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)). There is a \$25.00 service charge for each month when the balance of a deposit account is below \$1000 at the end of the month (37 CFR 1.21(b)(2)).

Kelley Harris (571) 272-2582

Technical Support Staff (TSS)

Note to TSS: Please do NOT use this notice if the application is under a final rejection.